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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/975,243	11/21/97	BROWN	RYA-127

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EXAMINER
MORGAN, G

ART UNIT	PAPER NUMBER
2761	

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DATE MAILED: 08/17/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/975,243

Applicant(s)
Brown

Examiner
George Morgan

Group Art Unit
2761



☒ Responsive to communication(s) filed on Nov 21, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Drawings

1. The drawings are not objected to.

Claim Objections

2. Claims 1, 13, and 24 are objected to because of grammatical and/or typographical errors.

As per Claim 1, line 11, the word "and" should be deleted.

As per Claim 1, line 17, the word "and" should be inserted after the semicolon.

As per Claim 13, line 5, the word "and" should be deleted.

As per Claim 24, line 3, the word "a" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-9, 13-16, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto, U.S. Patent No. 5,339,821, in view of Deaton et al., U.S. Patent No.

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5,687,322, and Journal of the American Medical Association ("*Shoe Leather Therapy Is Gaining on TB*"; Voelker, Rebecca), hereinafter JAMA.

As per Claim 1, *Fujimoto* discloses a computerized reward system for encouraging an individual to participate in a customized health management program, said system comprising:

- a) a monitoring means for collecting compliance data indicative of said individual's compliance with said customized health management program [Figure 2];
- b) a memory means for storing said compliance data and evaluation criteria [Figure 5 ("Data to be Stored?")];
- c) an evaluation means for comparing said compliance data to said evaluation criteria to determine a compliance status of said individual [Figure 5];
- e) a script generating means for generating a customized health management script from a plurality of questions [col. 4, lines 13-68]; and
- f) a script assigning means for assigning said customized health management script to said individual [col. 5, line 64 to col. 6, line 30].

Fujimoto does not disclose

- d) a reward dispensing means in communication with said evaluation means for dispensing a reward to said individual according to said compliance status.

Deaton et al. teach

- d) a reward dispensing means for dispensing a reward to an individual [Figure 2A (coupon dispenser)].

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JAMA teaches

dispensing a reward to an individual according to a compliance status [page 3; health care workers dispense coupons to tuberculosis patients upon compliance with taking medications; the coupons act as a reward to the patient to complete the treatment, and may be redeemed at fast-food restaurants and grocery stores].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the coupon dispenser of *Deaton et al.* with the monitoring means of *Fujimoto*, such that the coupons would be dispensed upon compliance of a medical treatment, as per the teaching of *JAMA* to dispense coupons as a reward for compliance of a medical treatment. The motivation would have been to reduce morbidity and control new outbreaks of disease.

Claim 13 recites the same limitations as claim 1, and is rejected for the same reasons.

As per Claim 2, *Fujimoto* discloses that said means further stores compliance instructions and said system further comprises user interface means connected to said memory means for communicating said compliance instructions to said individual [col. 5, line 64 to col. 6, line 30].

Claim 14 recites the same limitations as claim 2, and is rejected for the same reasons.

As per Claim 3, *Fujimoto* discloses that said compliance instructions include a description of at least one action said individual must perform to satisfy said evaluation criteria [Fig. 5 (patient must take own blood pressure)].

Claim 15 recites the same limitations as claim 3, and is rejected for the same reasons.

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As per Claim 4, *Fujimoto* discloses that said monitoring means comprises a display means for displaying said compliance questions to said individual, and a user input device in communication with said display means for entering said individual's answers [col. 2, line 56 to col. 3, line 6; also see Fig. 2].

Claim 16 recites the same limitations as claim 4, and is rejected for the same reasons.

As per Claim 7, *Fujimoto* discloses that said compliance data further comprises responses to an interactive educational program, said monitoring means comprises a program display means for displaying said educational program to said individual, and a user input device in communication with said program display means for entering in said individual's responses [col. 8, lines 31-39 (educating the patient as to the benefits of losing weight and reducing salt intake)].

Claim 19 recites the same limitations as claim 7, and is rejected for the same reasons.

As per Claim 8, *Fujimoto* discloses that the system further comprises:

- a) a database in communication with said monitoring means and said evaluation means for storing said compliance data and said compliance status of said individual [Fig. 1, ref. no. 7]; and
- b) a display means connected to said database for displaying said compliance data and said compliance status [Fig. 1, ref. no. 5].

Claim 20 recites the same limitations as claim 8, and is rejected for the same reasons.

As per Claim 9, *Fujimoto* does not disclose that said reward comprises a coupon and said reward dispensing means comprises a printer for printing said coupon. *Deaton et al.* teach a reward comprising a coupon and a reward dispensing means comprising a printer for printing the

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coupon [Fig. 2A]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the reward comprise a coupon and the reward dispensing means comprise a printer for printing said coupon, as taught by *Deaton et al.* The motivation would have been to provide the patient with a reward in the form of a paper coupon that would be viewed by the recipient as something valuable, and that could conveniently be stored with the recipient's other paper coupons for future use.

Claim 21 recites the same limitations as claim 9, and is rejected for the same reasons.

5. Claims 5, 6, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto, U.S. Patent No. 5,339,821, in view of Deaton et al., U.S. Patent No. 5,687,322, and Journal of the American Medical Association ("*Shoe Leather Therapy Is Gaining on TB*"; Voelker, Rebecca), hereinafter JAMA, and further in view of Bocchieri et al., U.S. Patent No. 5,329,608.

As per Claim 5, *Fujimoto* does not disclose that said monitoring means comprises a speech synthesis means for synthesizing said compliance questions, and a speech recognition means for recognizing said individual's answers. *Bocchieri et al.* teach speech synthesis means for synthesizing questions, and a speech recognition means for recognizing an individual's answers [Abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the speech synthesis means and speech recognition means of

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Bocchieri et al. with the medical monitoring device of *Fujimoto*. The motivation would have been to provide a more user friendly way to interact with the patient.

Claim 17 recites the same limitations as claim 5, and is rejected for the same reasons.

As per Claim 6, *Fujimoto* does not disclose that said monitoring means is an interactive telephone call comprising a telephone and an automated call processing means connected to said telephone for asking said compliance questions and for receiving said individual's answers.

Bocchieri et al. teach an interactive telephone call comprising a telephone and an automated call processing means connected to said telephone for asking questions and for receiving said individual's answers [Fig. 1; col. 2, lines 26-45]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the interactive voice response system of *Bocchieri et al.* with the medical monitoring device of *Fujimoto*. The motivation would have been to provide an economical and user friendly way to interact with the system.

Claim 18 recites the same limitations as claim 6, and is rejected for the same reasons.

6. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fujimoto*, U.S. Patent No. 5,339,821, in view of *Deaton et al.*, U.S. Patent No. 5,687,322, and *Journal of the American Medical Association ("Shoe Leather Therapy Is Gaining on TB"; Voelker, Rebecca)*, hereinafter *JAMA*, and further in view of *Irwin, Jr., et al.*, U.S. Patent No. 5,471,039.

As per Claim 10, *Fujimoto* does not disclose that said reward comprises a validated coupon and said reward dispensing means comprises a printer for validating a pre-printed coupon.

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Irwin, Jr., et al. teach a reward comprising a validated coupon [col. 33, lines 2-13] and said reward dispensing means comprises a printer for validating a pre-printed coupon [col. 32, lines 11-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the coupon validation of *Irwin, Jr., et al.* with the *Fujimoto*. The motivation would have been to provide a way to ensure that coupons were used only once.

Claim 22 recites the same limitations as claim 10, and is rejected for the same reasons.

7. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fujimoto*, U.S. Patent No. 5,339,821, in view of *Deaton et al.*, U.S. Patent No. 5,687,322, and *Journal of the American Medical Association ("Shoe Leather Therapy Is Gaining on TB"; Voelker, Rebecca)*, hereinafter JAMA, and further in view of *Powell*, U.S. Patent No. 5,727,153.

As per Claim 11, *Fujimoto* does not disclose that said reward comprises an electronic reward credited to a data card. *Powell* teaches a reward comprising an electronic reward credited to a data card [col. 5, lines 50-52]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further combine the electronic crediting of *Powell* with *Fujimoto*. The motivation would have been to provide a user friendly and convenient way to credit reward information.

Claim 23 recites the same limitations as claim 11, and is rejected for the same reasons.

8. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fujimoto*, U.S. Patent No. 5,339,821, in view of *Deaton et al.*, U.S. Patent No. 5,687,322, and

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Journal of the American Medical Association ("*Shoe Leather Therapy Is Gaining on TB*"; Voelker, Rebecca), hereinafter JAMA, and further in view of Flaten, U.S. Patent No. 5,467,269.

As per Claim 12, *Fujimoto* does not disclose that said reward comprises an electronic reward credited to an account. *Flaten* teaches a reward comprising an electronic reward credited to an account [col. 1, line 60 to col. 2, line 16]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further combine the account crediting of *Flaten* with *Fujimoto*. The motivation would have been to provide a user friendly and convenient way to credit reward information.

Claim 24 recites the same limitations as claim 12, and is rejected for the same reasons.

Conclusion

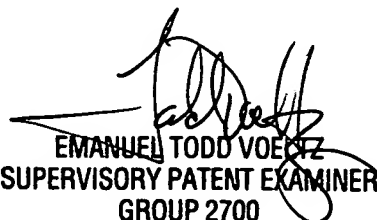
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Morgan whose telephone number is (703) 306-2906. The examiner can normally be reached on Monday to Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703) 305-9714. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

August 13, 1999

D.M.


EMANUEL TODD VOELTZ
SUPERVISORY PATENT EXAMINER
GROUP 2700